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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/492,358	01/27/2000	Jae Ryong Kim	0465-0662P-SP	9779

7590 05/20/2003

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EXAMINER

LEE, MICHAEL

ART UNIT PAPER NUMBER

2614

DATE MAILED: 05/20/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

B

Office Action Summary

Application No.

09/492,358

Applicant(s)

KIM ET AL.

Examiner

M. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-25 is/are allowed.
- 6) ☒ Claim(s) 1,2,5-11 and 15-21 is/are rejected.
- 7) ☐ Claim(s) 3, 4, 12-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 2, 5-11, 15-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Dougherty et al. (6,198,509).

Regarding claim 1, 10, Dougherty shows a selector (250), a data processor (216), a decoder (218), a storage (226), a display (230), and controller (222).

Regarding claim 2, 11, Dougherty inherently includes modem for receiving data transmitted by a telephone network (note col. 8, lines 29-31).

Regarding claim 5, 6, 15, 16, see Figures 4-17.

Regarding claim 7, 8, 17, 18, see Figure 1.

Regarding claim 9, 19, see Figure 3.

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Regarding claims 20 and 21, Dougherty shows user selectable objects (Figure 1, elements 1-4) displayed along with a television program. The selectable objects are part of the television program because they are transmitted along with the television picture. They clearly meet the limitation as claimed.

Allowable Subject Matter

2. Claims 3-4, 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
3. Claims 21-25 are allowed.

Response to Arguments

4. Applicant's arguments filed on 3/11/2003 have been fully considered but they are not persuasive.

Applicant basically argues that Dougherty is nowhere discloses that the user can select an object displayed in the displayed program. The examiner disagrees. First of all, being a broadly claimed term, applicant's "a selected object in a selected program" (lines 4-5 in claims 1 and 10) is met by the graphical elements as shown in Figure 1 of Dougherty. In Dougherty, the television picture 114 and the graphical information 116 are transmitted separately in different formats at the transmitter end; however, at receiving end, the two signals are decoded and formatted to form a single image as shown in Figure 1 which includes many objects that can be selected by the user via a remote control device so that additional information can be further provided. Since

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applicant's claim language is broadly claimed, the term "a selected object in a selected program" does not limit where the object is being constructed. It could be constructed at the transmitted end or at the receiving. Hence, Dougherty clearly meets the claimed invention.

Second of all, Dougherty is able to define an object or area in a television picture to be selected without displaying additional graphical information on top of it. In Dougherty, there are many different types of object can be placed on top of a television picture. One type of objects is called the form object (col. 13, lines 29-32). The form object is basically a defined rectangular region on a television picture. Dougherty teaches that the form object can be made transparent (col. 13, lines 37-45) and the border of the form object can be made transparent (see col. 13, lines 66, to col. 14, line 1). By placing a transparent form object on top of a television picture, an original picture object orientated user interactive television picture is generated because the original television picture is not blocked or obscured by the form object and the television picture area defined by the form object can be selected by the user via a remote control while making the selection button transparent also. Hence, again, Dougherty clearly meets the limitations as claimed.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Lee whose telephone number is **703-305-4743**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John Miller**, can be reached at **703-305-4795**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

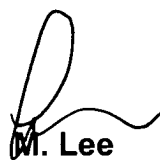
(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

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A handwritten signature in black ink, appearing to be 'M. Lee', with a stylized, flowing script.

M. Lee
Primary Examiner
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May 13, 2003